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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,541	03/30/2001	Nancy G. Kidney	US018038	7460

7590

09/08/2004

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EXAMINER
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NGUYEN, TAI T

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/823,541

Applicant(s)

KIDNEY ET AL.

Examiner

Tai T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***1.131 Declaration of Prior Invention***

1. The 1.131 Declaration filed on June 17, 2004 to establish the earlier effective filing date of March 23, 2001 which is the effective filing date of Agnew et al. (US 2003/0158657) used in the previous rejection of claim 5. After reviewing all submitted evidence, the Declaration is considered persuasive hence the effective filing date of current application would be March 23, 2001.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1, 3, 9, 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Nelson (US 6,496,568).

**Regarding claims 1 and 3,** Nelson discloses a method for providing a notification service for a transportation system (figure 1) comprising initiating sending an electronic notification to a registered user upon a change in an itinerary, the service communicating with the user via mobile device (170), the mobile device and service enabling the user to interactively communicate with the service concerning update the

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travel plan and change in the user's itinerary information (col. 1, line 35 through col. 2, line 47 and col. 3, line 46 through col. 4, line 45).

**Regarding claim 9**, Nelson discloses a data processing device provided to a user of a transportation system (figure 1) comprising:

a wireless communication module (170) for receipt of a notification regarding a change in an itinerary of the user and initiated by the service (110); and

a rendering module (105) for rendering the notification to the user of the wireless communication module for enabling the user to interactively communicate with the service concerning update the travel plan and change in the user's itinerary information (col. 1, line 35 through col. 2, line 47 and col. 3, line 46 through col. 4, line 45).

**Regarding claim 17**, refer to claim 9 above.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson (US 6,496,568).

**Regarding claim 2**, Nelson discloses a customer message manager (105) sending a notification message to a user of the mobile device (170) based on a flight schedule event e.g. gate change (col. 3, lines 40-44). It would have been obvious to a

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person having ordinary skill in the art at the time the invention was made to know that the user can easily find a relevant site after received a notification message from the customer message management because to received message including gate change information.

**Regarding claim 20**, Nelson discloses the step of the system initiates sending the message to multiple of users (170, 164, figure 1).

6. Claims 4 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson (US 6,496,568) in view of Rex (US 6,308,160).

**Regarding claims 4 and 6**, Nelson discloses the step of receiving a flight cancellation, updating databases (130) to determine what passengers are on the cancellation fight, then initiating the order of notification to those customer via mobile device (col. 3, line 62 through col. 4, line 6) but fail to specifically disclose the step of enabling the user register with the service and supplying the device to the user. Rex discloses a method for providing a notification service (26) for a transportation system (10, figure 1), comprising initiating sending an electronic notification to a registered party (70) upon a change in an itinerary (figures 1-2; col. 6, line 23 through col. 7, line 60) and enabling the user (70) to register with the service (26) and supplying the device (72) to the user (70, col. 7, lines 36-44). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to utilize the register and supplying the device to the user as taught by Rex in the system as disclosed by Nelson for the purpose of enabling the system determines those registered being

affected by the flight cancellation in order to notify those customers prior to their departure.

**Regarding claim 7**, Nelson further discloses the method for providing notification service for the transportation system including a step that a user being notified via various of communications (163-165) those being allowed to state a preference regarding a modality of the notification (col. 4, lines 46-56).

7. Claims 5 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson (US 6,496,568) in view of Rex (US 6,308,160) as applied to claim 4 above, and further in view of Person (US 5,067,081).

**Regarding claim 5**, Nelson, as modified, discloses the instant claimed invention except for: the device comprises a navigation module to enable the user to find the relevant site in the transportation. Person teaches a portable electronic navigation system (10, figure 1) for determining a specific destination and the distance and displaying information to a user (see abstract and col. 5, lines 35-60). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to utilize the navigation system as taught by Person in the system as disclosed by Nelson, as modified, for the purpose of guiding the user to a desired destination.

**Regarding claims 11-12**, Nelson discloses a method for providing a notification service for a transportation system (figure 1) comprising initiating sending an electronic notification to a registered user upon a change in an itinerary, the service

communicating with the user via mobile device (170), the mobile device and service enabling the user to interactively communicate with the service concerning update the travel plan and change in the user's itinerary information (col. 1, line 35 through col. 2, line 47 and col. 3, line 46 through col. 4, line 45).

Nelson discloses the step of receiving a flight cancellation, updating databases (130) to determine what passengers are on the cancellation flight, then initiating the order of notification to those customer via mobile device (col. 3, line 62 through col. 4, line 6) but fail to specifically disclose the step of enabling the user register with the service and supplying the device to the user. Rex discloses a method for providing a notification service (26) for a transportation system (10, figure 1), comprising initiating sending an electronic notification to a registered party (70) upon a change in an itinerary (figures 1-2; col. 6, line 23 through col. 7, line 60) and enabling the user (70) to register with the service (26) and supplying the device (72) to the user (70, col. 7, lines 36-44). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to utilize the register and supplying the device to the user as taught by Rex in the system as disclosed by Nelson for the purpose of enabling the system determines those registered being affected by the flight cancellation in order to notify those customers prior to their departure.

Nelson, as modified, discloses the instant claimed invention except for: the device comprises a navigation module to enable the user to find the relevant site in the transportation. Person teaches a portable electronic navigation system (10, figure 1) for determining a specific destination and the distance and displaying information to a

user (see abstract and col. 5, lines 35-60). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to utilize the navigation system as taught by Person in the system as disclosed by Nelson, as modified, for the purpose of guiding the user to a desired destination.

8. Claims 8, 13-16, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson (US 6,496,568) in view of Saylor et al. (US 6,400,265).

**Regarding claim 8,** Nelson discloses the instant claimed invention except for: the step of enabling the user to register another party for receipt of at least a part of information in the electronic notification. Saylor et al. teach a step of enabling the user to register another party for receipt of at least a part of electronic notification based on a detection of an alarm situation (col. 4, lines 47-54 and col. 7, lines 45-50). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to utilize the method of notifying another party registered by the user as taught by Saylor et al. in the system as disclosed by Nelson for the purpose of notifying the user's family members know what's going on to the user upon flight cancellation.

Nelson discloses the instant claimed invention except for: the step of enabling the user to register another party for receipt of at least a part of information in the electronic notification. Saylor et al. teach a step of enabling the user to register another party for receipt of at least a part of electronic notification based on a detection of an alarm situation (col. 4, lines 47-54 and col. 7, lines 45-50). Therefore, it would have



been obvious to a person having ordinary skill in the art at the time the invention was made to utilize the method of notifying another party registered by the user as taught by Saylor et al. in the system as disclosed by Nelson for the purpose of notifying the user's family members know what's going on to the user upon flight cancellation.

**Regarding claim 13**, Nelson discloses a method for providing a notification service for a transportation system (figure 1) comprising initiating sending an electronic notification to a registered user upon a change in an itinerary, the service communicating with the user via mobile device (170), the mobile device and service enabling the user to interactively communicate with the service concerning update the travel plan and change in the user's itinerary information (col. 1, line 35 through col. 2, line 47 and col. 3, line 46 through col. 4, line 45).

Nelson discloses the instant claimed invention except for: the step of enabling the user to register another party for receipt of at least a part of information in the electronic notification. Saylor et al. teach a step of enabling the user to register another party for receipt of at least a part of electronic notification based on a detection of an alarm situation (col. 4, lines 47-54 and col. 7, lines 45-50). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to utilize the method of notifying another party registered by the user as taught by Saylor et al. in the system as disclosed by Nelson for the purpose of notifying the user's family members know what's going on to the user upon flight cancellation.

**Regarding claims 14-16**, refer to claims 1 and 8 above.

**Regarding claims 18-19**, refer to claim 8 above.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson (US 6,496,568) in view of Agnew (US 2003/0158657).

**Regarding claim 10**, Nelson discloses the instant claimed invention except for: the device comprises a navigation module to enable the user to find the relevant site in the transportation. Agnew teaches a wireless mobile phone (3) comprising a navigation module (figures 1 and 3, paragraphs 35-38). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to utilize the navigation system as taught by Agnew in the system as disclosed by Nelson, as modified, for the purpose of guiding the user to a desired destination.

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lynch et al. (US 6,018,715).

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

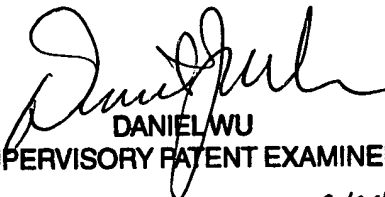
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (571) 272-2961. The examiner can normally be reached on Monday-Friday from 7:30am-5:00pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 2, 2004  
Tai T. Nguyen  
Examiner  
Art Unit 2632

  
DANIEL WU  
SUPERVISORY PATENT EXAMINER  
9/04/04